



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

January 17, 2007

CERTIFIED RETURN RECEIPT
7004 2510 0004 1824 4370

Kevin Butters
C.E. Butters Realty & Construction
760 North Highway 89
Harrisville, Utah 84404

Subject: Denial of Site Release Application, C.E. Butters Realty & Construction,
Towers Sand & Gravel Mine, M0570004, Task ID# 1630, Weber County,
Utah

Dear Mr. Butters:

On January 10, 2007, the Division conducted an inspection of the Towers Sand & Gravel site near Rocky Point in Weber County Utah. This inspection was prompted by your recent application for Site and/or Bond release at this location.

After conducting the inspection and reviewing documents from previous investigations of this area, it has been determined that mining operations are still occurring at this location and this site cannot be released from having a mining permit. Your application for Site and/or Bond Release is hereby denied.

The application stated that the reason for the release request is that the mine is "sand & gravel only no permit nor bond required." While the end product may be sand & gravel, it was obvious during the inspection that most of the excavation was occurring in a bedrock material (mostly quartzite). The exemption from a mining permit only applies for extraction of a sand, gravel, and rock aggregate that have been created by alluvial sedimentary processes. Thus, it is the depositional environment that determines whether or not a mineral deposit can be exempted from the permitting requirements, not the end product.

It may be conceded that portions of your site are alluvial sand and gravels that could be considered to be exempt and perhaps your whole site started out as such, however, the majority of the site appears to now be associated with extraction of rock in the form of bedrock that is then crushed and sized to meet certain construction specifications. This activity is considered to be a mining operation and requires a permit from this office. A reclamation bond is also required.

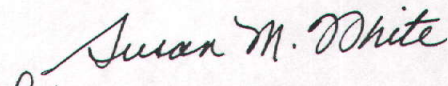
Page 2
Kevin Butters
M0570004
January 17, 2007

The inspection also identified that you have been excavating clay from a portion of the site. This is another activity that requires a mining permit from this office. Further, it appears that the extent of your mining operation may have exceeded the 5 acre limit of your existing small mine permit. In order for you to be in compliance, we require that you complete the necessary permitting requirements that must include all of your mining operations as well as provide a reclamation surety as required by the Utah Mined Land Reclamation Act.

In order to avoid enforcement action, you must provide within 30 days a reclamation surety in the amount of \$18,600 (\$5400 for the first acre and \$3300 for each additional acre) to cover the disturbance associated with your 5-acre small mine permit. Within 60 days you must provide a revised "Notice of Intent" that covers the full extent of your mining operations. Depending upon the information received in your revised notice, you may be required to provide additional reclamation surety. We encourage you to contact this office and schedule a meeting to discuss the permitting requirements at your site.

Please contact Beth Ericksen at (801) 538-5318 or email (bethericksen@utah.gov) for information and the paperwork needed to file the surety. If you have other questions, please call me at (801) 538-5325 or Lynn Kunzler at (801) 538-5310.

Sincerely,


for Daron R. Haddock
Permit Supervisor
Minerals Regulatory Program

DRH:pb
Cc: Beth Ericksen
Lynn Kunzler
Susan White
Enclosure: Inspection report
P:\GROUPS\MINERALS\WP\M057-Weber\S0570004-Towers\final\denysiterelease.doc

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1. Article Addressed to:

KEVIN BUTTERS
CE BUTTERS REALTY & CONSTR
760 N HWY'89
HARRISVILLE UT 84404

PB 1/17/07 m0510004

2. Article Number

(Transfer from service label)

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PS Form 3811, August 2001

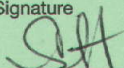
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1-20-07

D. Is delivery address different from item 1?

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☐ No

3. Service Type

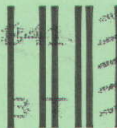
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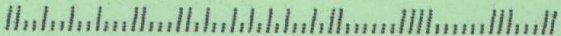
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PENNY BERRY
STATE OF UTAH
DIVISION OF OIL GAS & MINING
PO BOX 145801
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JAN 24 2007

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